

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JAMES G. HUNDLEY, Plaintiff

v.

WAWA, INC. Defendant

CIVIL ACTION

NO. 21-0627

ORDER

Baylson, J.

June 22, 2021

The Court has considered Plaintiff's Amended Complaint (ECF 9) and Defendant's second Motion to Dismiss the same (ECF 10). The Court has also considered the June 9, 2021, hearing on this matter, where Plaintiff voluntarily withdrew Counts V and VIII. (ECF 14).

For the reasons set forth in the foregoing memorandum, the Court **GRANTS** the Motion to Dismiss without prejudice as to Counts

- II (Title VII Retaliation),
- IV (PHRA Retaliation),
- VII (PFPO Retaliation),

and **DENIES** the Motion to Dismiss as to Counts

- I (Title VII Disparate Treatment),
- III (Violation of PHRA),
- VI (Violation of PFPO)
- IX (Violation of Philadelphia Fair Workweek law)

It is further **ORDERED** that Plaintiff may file a Second Amended Complaint within fourteen (14) days.

BY THE COURT:

/s/ **Michael M. Baylson**

Michael M. Baylson, U.S.D.J.